IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 3937 of 2003

Between:
Sri Kanaka Durga Quarry Workers,
Coop. Society, registered as Mulagada area
Quary Panivari Sangham, rep. by its President
V.Apparao, S/o.Apparao, aged 33 yrs,
R/o.D.No.60-5-27, Prakash Nagar,
Malkapuram (PO), Visakhapatnam-11

..... PETITIONER

AND

The Mandal Revenue Officer., Visakhapatnam.,
Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in objecting and interfering the quarrying operation of the petitioner at S.No.14(P) in an extent 0.50 Hec. at Manginalova of Malkapuram, Visakhapatnam, on 28-2-2003 and orally directing the petitioner not to carry on any quarrying operations as illegal, arbitrary, capricious, and violative of principles of Natural Justice and also violative of Art.21 of constitution of India and suffers from inherent lack of jurisdiction and also without issuing any notice by following due process of law and consequently to direct the respondent not to object or interfere with the quarrying operation by the petitione.

For the Petitioner: SMT.N.(P).ANJANA DEVI, Advocate.

For the Respondent : GP FOR REVENUE

The Court Made the Following:
ORDER:

This writ petition is filed by the Sri Kanaka Durga, Quarry workers Co-operative Society, seeking a writ of Mandamus to declare the action of the Mandal Revenue Officer, Visakhapatnam-respondent herein, in objecting and interfering the quarrying operation of the petitioner at Sy.No.14 (P) in an extent of 0.50 hec. situated at Manginalova, Mulagada, Visakhapatnam as illegal and further direction to the respondent not to interfere with the quarrying of the writ petitioners.

It is the case of petitioner-society that the petitioner-society has represented to the Government dated 02.01.1992 and on the representation, an order was passed vide Memo No.197/DM.II/9 dated 18.07.1992 directing the Director of Mines and Geology to permit the petitioner-Society for quarrying.

It is submitted by the learned counsel for the petitioner that pursuant to the said orders, members of the petitioner-society are quarrying operations in land Sy.No.14 (P) to an extent of 0.50 hec. at Manginalova of Malkapuram, visakhapatnam and there is an interference by the respondent-Mandal Revenue Officer.

In the counter affidavit filed on behalf of the respondents it is stated that the land in Sy.No.14 (P) of Malkapuram village, Visakhapatnam Urban Mandal, to an extent of Ac.591-92 cents is Government land classified as “Hill Poramboke” in the records. Further, it is stated that the

petitioner-society has no manner of right whatsoever over the land in question and there is no permission for conducting quarrying operations over the said land by the competent authority under the provisions of Mines and Minerals (Development and Regulation) Act, 1957.

It is further stated that no quarrying operations are being carried out in the said survey Numbers by the members of the petitioner-society.

Though Government issued orders in Memo No.197/DM.II/9 on the representation of the petitioner-society and in the said orders the Government has directed the Director of Mines and Geology to render assistance to the members of the petitioner-society. There is no indication of any survey number in the said Government orders and by the said order no lease was granted to the petitioner.

In that view of the matter, the members of the petitioner-society on their own cannot claim any quarrying operation in Sy.No.14/P of Malkapura at Manginalova Village, unless there is grant of lease for quarrying operations by competent authority under the provisions of Mines and Mineral (Regulation and Development) Act, 1957 or any member including a co-operative society can not start operations on their own.

In that view of the matter, I do not find any valid ground for grant of relief as sought by the petitioner-society.

Accordingly, the writ petition is devoid of merits and is dismissed. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1. The Mandal Revenue Officer, Visakhapatnam., Visakhapatnam District.
2. 2 C.Cs to GP FOR REVENUE, High Court of A.P. Bldgs, Hyd. (OUT)
3. 2 C.D. copies.

YCR